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Attorneys for Plaintiffs,
UMG RECORDINGS, INC.; CAPITOL
RECORDS, LLC; BMG MUSIC;
ATLANTIC RECORDING
CORPORATION; ELEKTRA
ENTERTAINMENT GROUP INC.; SONY
BMG MUSIC ENTERTAINMENT; and
INTERSCOPE RECORDS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UMG RECORDINGS, INC., a Delaware corporation; CAPITOL RECORDS, LLC, a Delaware limited liability company; BMG MUSIC, a New York general partnership; ATLANTIC RECORDING CORPORATION, a Delaware corporation; ELEKTRA ENTERTAINMENT GROUP INC., a Delaware corporation; SONY BMG MUSIC ENTERTAINMENT, a Delaware general partnership; and INTERSCOPE RECORDS, a California general partnership,

CASE NO. 3:07-CV-04852-VRW

Honorable Vaughn R. Walker

**DECLARATION OF DAWNIELL ZAVALA
IN SUPPORT OF REQUEST FOR CLERK'S
ENTRY OF DEFAULT**

Plaintiffs,

V.

MEILING FELICITAS JOHANNA
WACHHOLZ-YEE,

Defendant

1 **DECLARATION OF DAWNIELL ALISE ZAVALA**

2 I, DAWNIELL ALISE ZAVALA, declare:

3 1. I am an attorney at law licensed to practice before the Courts of the State of
4 California and the United States District Court, Northern District of California. I am an associate
5 with the law firm of Holme Roberts & Owen LLP, counsel of record for Plaintiffs. Unless otherwise
6 stated, I have personal knowledge of the following facts and, if called and sworn as a witness, could
7 and would competently testify thereto.

8 2. On February 11, 2008, Plaintiffs filed the First Amended Complaint ("Complaint") in
9 this case against Defendant Meiling Felicitas Johanna Wachholz-Yee ("Defendant"). Attached as
10 **Exhibit A** is a true and correct copy of the proof of service on file with the Court, reflecting that
11 Defendant was served with the Summons and Complaint on June 24, 2008, by substitute service.

12 3. More than 20 days have elapsed since the date on which service of the Summons and
13 Complaint was effective.

14 4. Neither Plaintiffs nor the Court have granted Defendant any formal extension of time
15 to respond to the Complaint.

16 5. Defendant has failed to answer or otherwise respond to the Complaint, or serve a
17 copy of any answer or other response upon Plaintiffs' attorneys of record.

18 6. I am informed and believe that Defendant is not an infant or incompetent person.

19 7. A search for Defendant's name was conducted in the Department of Defense –
20 Manpower Data Center. That search revealed no evidence that Defendant is in the military service.

21 I declare under penalty of perjury under the laws of the United States of America that the
22 foregoing is true and correct.

23 Executed this 5th day of September, 2008, at San Francisco, California.

24
25
26
27
28



Dawnieill Alise Zavala

EXHIBIT A

MATTHEW FRANKLIN JAKSA 248072
 560 MISSION STREET, 25TH FLOOR SAN FRANCISCO CA
 415 268-2000

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA

UMG RECORDINGS, INC., ET AL., <i>v.</i> MEILING FELICITAS JOHANNA WACHHOLZ-YEE	Plaintiff(s) Defendant(s)
CASE NUMBER: 3:07-CV-04852-VRW	
PROOF OF SERVICE SUMMONS AND COMPLAINT <small>(Use separate proof of service for each person/party served)</small>	

1. At the time of service I was at least 18 years of age and not a party to this action and I served copies of the (*specify documents*):
NOTICE TO DEFENDANT; SUMMONS; FIRST AMENDED COMPLAINT FOR COPYRIGHT INFRINGEMENT; EX PARTE APPLICATION TO EXTEND TIME TO SERVE DEFENDANT AND ORDER; EX PARTE APPLICATION TO CONTINUE CASE MANAGEMENT CONFERENCE AND ORDER; CERTIFICATION OF INTERESTED ENTITIES OR PERSONS; ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES; ECF INFORMATION

2. Person served:

- a. Defendant (*name*): **MEILING FELICITAS JOHANNA WACHHOLZ-YEE**
- b. Other (*specify name and title or relationship to the party/business named*):
Mr. Yee, father RESIDENT, An Asian male approx. 45-55 years of age 5'6"-5'8" in height weighing 160-180 lbs with black hair and glasses
- c. Address where papers were served: **5194 SALT POND PL WOODBRIDGE, VA 22193**

3. Manner of Service in compliance with (*the appropriate box must be checked*):

- a. Federal Rules of Civil Procedure
- b. California Code of Civil Procedure

4. I served the person named in Item 2:

- a. By Personal service. By personally delivering copies. If the person is a minor, by leaving copies with a parent, guardian, conservator or similar fiduciary and the minor if at least twelve (12) years of age.
 - 1. Papers were served on (*date*): _____ at (*time*): _____
- b. By Substituted service. By leaving copies:
 - 1. (*home*) at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household, at least 18 years of age, who was informed of the general nature of the papers.
 - 2. (*business*) or a person apparently in charge of the office or place of business, at least 18 years of age, who was informed of the general nature of the papers.
 - 3. Papers were served on (*date*): **Jun 24 2008** at (*time*): **7:30:00 PM**
 - 4. by mailing (*by first-class mail, postage prepaid*) copies to the person served in Item 2(b) at the place where the copies were left in Item 2(c).
 - 5. papers were mailed on (*date*): _____
 - 6. due diligence. I made at least (3) attempts to personally serve the defendant.



- c. **Mail and acknowledgment of service.** By mailing (*by first-class mail or airmail, postage prepaid*) copies to the person served, with two (2) copies of the form of Waiver of Service of Summons and Complaint and a return envelope, postage prepaid addressed to the sender. (Attach completed Waiver of Service of Summons and Complaint).
 - d. **Service on domestic corporation, unincorporated association (including partnership), or public entity. (F.R.Civ.P. 4(h))(C.C.P. 416.10)** By delivering, during usual business hours, a copy of the summons and complaint to an officer, a managing or general agent, or to any other agent authorized by appointment of by law to receive service of process and, if the agent is one authorized by statute and the statute so requires, by also mailing, by first-class mail, postage prepaid, a copy to the defendant.
 - e. **Substituted service on domestic corporation, unincorporated association (including partnership), or public entity. (C.C.P. 415.20 only)** By leaving during usual office hours, a copy of the summons and complaint in the office of the person served with the person who apparently was in charge and thereafter by mailing *by first-class mail, postage prepaid,* copies to the persons at the place where the copies were left in full compliance with C.C.P. 415.20. Substitute service upon the California Secretary of State requires a court order. (Attach a copy of the order to this Proof of Service).
 - f. **Service on a foreign corporation.** In any manner prescribed for individuals by FRCP 4(f).
 - g. **Certified or registered mail service.** By mailing to an address outside California (*by first-class mail, postage prepaid, requiring a return receipt*) copies to the person served. (Attach signed return receipt or other evidence of actual receipt by the person served).
 - h. **Other** (specify code section and type of service):
5. Service upon the **United States, and Its Agencies, Corporations or Officers.**
- a. by delivering a copy of the summons and complaint to the clerical employee designated by the U.S. Attorney authorized to accept service, pursuant to the procedures for the Office of the U.S. Attorney for acceptance of service, or by sending a copy of the summons and complaint by registered or certified mail addressed to the civil process clerk at the U.S. Attorneys Office.
- Name of person served:
- Title of person served:
- Date and time of service: (*date*): _____ at (*time*): _____
- b. By sending a copy of the summons and complaint by registered or certified mail to the Attorney General of the United States at Washington, D.C. (Attach signed return receipt or other evidence of actual receipt by the person served).
 - c. By sending a copy of the summons and complaint by registered or certified mail to the officer, agency or corporation (Attach signed return receipt or other evidence of actual receipt by the person served).
6. At the time of service I was at least 18 years of age and not a party to this action.
7. Person serving (*name, address and telephone number*):

Eddie W. Null, Sr.
10522 CRESTFIELD LANE, SPOTSYLVANIA, VA 22553
540-785-2317

- a. Fee for service: \$ 200.00
- b. Not a registered California process server
- c. Exempt from registration under B&P 22350(b)
- d. Registered California process server

8. I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Date: Jun 25 2008


(Signature)



**IN THE
UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA**

UMG RECORDINGS, INC., ET AL.,

Plaintiff/Petitioner

Hearing Date:

vs.
MEILING FELICITAS JOHANNA WACHHOLZ-YEE

Defendant/Respondent

CAUSE NO: **3:07-CV-04852-VRW**

**DECLARATION OF NON SERVICE OF:
NOTICE TO DEFENDANT; SUMMONS; FIRST AMENDED
COMPLAINT FOR COPYRIGHT INFRINGEMENT; EXHIBIT;
EX PARTE APPLICATION TO EXTEND TIME TO SERVE
DEFENDANT AND ORDER; EX PARTE APPLICATION TO
CONTINUE CASE MANAGEMENT CONFERENCE AND
ORDER; CERTIFICATION OF INTERESTED ENTITIES OR
PERSONS; ORDER SETTING INITIAL CASE
MANAGEMENT CONFERENCE AND ADR DEADLINES;
ECF INFORMATION**

The undersigned hereby declares: That s/he is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

Declarant states s/he attempted to serve **MEILING FELICITAS JOHANNA WACHHOLZ-YEE** at the address of: **1646 STONY BROOK DR , SALINAS, Monterey County, CA 93906** and was unable to effect service for the following reasons:

2/23/2008 11:00:00 AM: No Answer at the door

2/24/2008 12:00:00 PM: Per white male resident approx. 6'0"-6'2" in height weighing 200-220 lbs with a shaved head and blue eyes - subject used to rent a room from him and has moved out of the country

Declarant hereby states under penalty of perjury under the laws of the State of California that the statement above is true and correct.

DATED this 29th day of February, 2008,



Laurel Peterson, Reg. # 41, Monterey, CA

FOR: HOLME ROBERTS &
OWEN, LLP

ORIGINAL PROOF OF
SERVICE

Tracking #: **5262612 SEA**





633 Yesler Way Seattle, WA 98104 www.pfiserves.com
800 232-8854 Fax: 800 734-6859

PROCESS SERVICE NOTIFICATION

To: **HOLME ROBERTS & OWEN, LLP
560 MISSION STREET 25TH FLOOR
SAN FRANCISCO, CA 94105**

Attention: Asma Zia
Client Ref: WACHOLZ-YEE

Date: Jul 2 2008
Dispatcher: Angela D.
AngelaD@abclegal.com
800-324-5619
Tracking #: 5262612



Thank you for using PFI.

Additional service information can be obtained via the Process Service Detail page on our web site.

www.pfiserves.com/trackserve.asp

Servee: MEILING FELICITAS JOHANNA WACHHOLZ-YEE

 Person Served: Mr. Yee, father RESIDENT, An Asian male approx. 45-55 years of age 5'6"-5'8" in height weighing 160-180 lbs with black hair and glasses

 Served By: Eddie W. Null, Sr.

 Service Date: Jun 24 2008 7:30PM

 Documents: NOTICE TO DEFENDANT; SUMMONS; FIRST AMENDED COMPLAINT FOR COPYRIGHT INFRINGEMENT; EXHIBIT; EX PARTE APPLICATION TO EXTEND TIME TO SERVE DEFENDANT AND ORDER; EX PARTE APPLICATION TO CONTINUE CASE MANAGEMENT CONFERENCE AND ORDER; CERTIFICATION OF INTERESTED ENTITIES OR PERSONS; ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES; ECF INFORMATION

 Service Address: 5194 SALT POND PL WOODBRIDGE county of County VIRGINIA 22193

 Court: UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA

 Case Name: UMG RECORDINGS, INC., ET AL., Plaintiff / Petitioner
vs.
MEILING FELICITAS JOHANNA WACHHOLZ-YEE Defendant / Respondant

 Case Number: 3:07-CV-04852-VRW

 Hearing Date:

All documents are served pursuant to:

- A) The statutes or court rules of the jurisdiction in which the matter originates, and/or
- B) The statutes or court rules of the state in which service took place, and
- C) Instructions from the customer

If service was substituted upon another person or left with a person(s) who refused to identify themselves, it is incumbent upon you, our customer, to notify ABC legal/PFI in writing if further attempts to serve, serve by mail, or investigate are required.

Information contained in this notification is deemed to be accurate and reliable, but is subject to final verification by PFI personnel.

OFFICIAL PROCESS SERVER TO
U.S. DEPT. OF JUSTICE AND U.S. STATE DEPT.

PROOF OF SERVICE

STATE OF CALIFORNIA, CITY AND COUNTY OF SAN FRANCISCO

I am employed in the office of Holme Roberts & Owen in San Francisco, California. I am over the age of eighteen years and not a party to the within action. My business address is 560 Mission Street, 25th Floor, San Francisco, CA 94105.

On September 5, 2008, I served the foregoing documents described as:

**DECLARATION OF DAWNIELL ZAVALA IN SUPPORT OF APPLICATION FOR
ENTRY OF DEFAULT JUDGMENT BY THE COURT**

on the interested party in this action by placing a true and correct copy thereof enclosed in a sealed envelope addressed as follows:

Meiling Felicitas Johanna Wachholz-Yee
1646 Stony Brook Drive
Salinas, CA 93906

BY MAIL: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at San Francisco, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

(FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on September 5, 2008 at San Francisco, California.



Della Grant